

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMIE ELLIOTT : CIVIL ACTION

v.

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:

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POINT BREEZE STATION MAIL : NO. 17-257
DEPARTMENT :

MEMORANDUM

BAYLSON, J.

FILED

JAN 23 2017

KATE BARKMAN, Clerk
B. JAI Dep. Clerk

JANUARY 23, 2017

Plaintiff Jamie Elliott brings this civil action against the “Point Breeze Station Mail Department.” He also filed a motion to proceed *in forma pauperis*, which the Court will grant. For the following reasons, the Court will dismiss plaintiff’s complaint.

Federal Rule of Civil Procedure 8(a) requires a complaint to contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” A district court may *sua sponte* dismiss a complaint that does not comply with Rule 8 if “the complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised.” *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995) (quotations omitted). Furthermore, as plaintiff is proceeding *in forma pauperis*, the Court must dismiss his complaint if it is frivolous or fails to state a claim. See 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). A complaint is frivolous if it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). It is legally baseless if “based on an indisputably meritless legal theory,” *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995), and factually baseless “when the facts alleged rise to the level of the irrational or the wholly incredible.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). To survive dismissal for failure to state a claim, the complaint must contain “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. JAI*.

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Iqbal, 556 U.S. 662, 678 (2009) (quotations omitted). Conclusory statements and naked assertions will not suffice. *Id.*

The complaint is based on events that occurred in 2011, and provides the following factual basis for plaintiff's claims: "mail errors, has complaints from state representative office the hold block names are on the complaint." (Compl. ¶ III.C.) It does not appear from that cryptic statement that plaintiff has a timely, plausible basis for a nonfrivolous claim against the defendant. Having reviewed plaintiff's complaint in this action and his filings in other actions filed in this district, the Court concludes that amendment would be futile. *See Grayson v. Mayview State Hosp.*, 293 F.3d 103, 112-13 (3d Cir. 2002). An appropriate order follows, which shall be docketed separately.